



Entered on Docket
February 19, 2010

A handwritten signature in black ink, appearing to read "Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.¹

Debtors.

Affects:

 All Debtors
 Affects the following Debtor(s)

RHODES DESIGN AND DEVELOPMENT
CORPORATION

Case No.: 09-14814-LBR
(Jointly Administered)

Chapter 11

Hearing Date: February 18, 2010
Hearing Time: 1:30 p.m.
Courtroom 1

**ORDER GRANTING MOTION FOR MODIFICATION OF AUTOMATIC STAY IN
ORDER TO PROCEED AGAINST DEBTORS AS A NOMINAL DEFENDANT AND AS
AGAINST INSURANCE PROCEEDS ONLY [DOCKET NO. 869]**

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20 LLC (Case No. 09-14848); Tuscany Acquisitions IV LLC (Case No. 09-14849); Tuscany Acquisitions III LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf and Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, LLC (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

1 Upon consideration of the *Motion for Modification of Automatic Stay in Order to*
 2 *Proceed Against Debtors as a Nominal Defendant and as Against Insurance Proceeds Only*
 3 [Docket No. 869] (the “Motion”)² and good cause appearing, it is hereby ORDERED

4 1. The Motion is granted.
 5 2. The automatic stay is lifted for the limited purpose of permitting the Plaintiff
 6 Homeowners in the Litigation, entitled *Blasco, et al. v. Rhodes Ranch, LP et al.*, Clark County
 7 District Court Case No. A578060, to liquidate their claims, on the condition that the
 8 Homeowners are entitled to recover on their claims against Rhodes Ranch Limited Partnership
 9 and Rhodes Design and Development Corporation only from their insurer or insurers (the
 10 “Insurer”).

11 3. There shall be a full reservation of rights for Rhodes Ranch Limited Partnership,
 12 Rhodes Design and Development Corporation and the Insurer with respect to the relevant
 13 insurance policies and to defend the Litigation on the merits.

14 4. Any and all portions of the Homeowners’ claims or causes of action, whether
 15 prepetition or postpetition claims or causes of action, that are not fully satisfied by the available
 16 insurance policies of Rhodes Ranch Limited Partnership and Rhodes Design and Development
 17 Corporation are forever waived and discharged as against Rhodes Ranch Limited Partnership and
 18 Rhodes Design and Development Corporation, even if the Homeowners are unable to obtain any
 19 recovery from any insurance policies.

20 5. Any recovery by the Homeowners received from the insurance proceeds shall be
 21 reduced by the amount of the applicable insurance policy’s deductible.

22 6. The Bankruptcy Court retains jurisdiction to resolve any dispute arising from the
 23 interpretation or enforcement of this Order.

28 2 All defined terms not defined herein shall have the same meaning as in the Motion.

1 SUBMITTED BY:

2 DATED this 18th day of February 2010.

3
4 By: /s/ Eric Ransavage
5 SHINNICK, RYAN & RANSAVAGE P.C.
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12 *Counsel for Homeowner Plaintiffs*

13 DATED this 18th day of February 2010.

14 By: /s/ Zachariah Larson
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1 **LR 9021 Certification**
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3 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):
4

5 The court has waived the requirement of approval under LR 9021.
6

7 This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have
8 delivered a copy of this proposed order to all counsel who appeared at the hearing, any
9 unrepresented parties who appeared at the hearing, and each has approved or disapproved the
order, or failed to respond, as indicated below [list each party and whether the party has
approved, disapproved, or failed to respond to the document]:
10

11 This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order
12 to all counsel who appeared at the hearing, any unrepresented parties who appeared at the
13 hearing, and each has approved or disapproved the order, or failed to respond, as indicated below
14 [list each party and whether the party has approved, disapproved, or failed to respond to the
document]:
15

16 I certify that I have served a copy of this order with the motion, and no parties
17 appeared (other than the parties to the consensual order) or filed written objections.
18

19 Submitted by:
20

21 DATED this 18th day of February 2010.
22

23 By: /s/ Zachariah Larson
24 LARSON & STEPHENS
25 Zachariah Larson, Esq. (NV Bar No 7787)
26 Kyle O. Stephens, Esq. (NV Bar No. 7928)
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